

FLORIDA INDIANS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The information required by a resolution of the House of Representatives, of the
16th of May last,

IN RELATION TO THE

FLORIDA INDIANS.

DECEMBER 18, 1826.

Read, and referred to the Committee on Indian Affairs.

WASHINGTON :

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1826.

THE GOVERNOR
OF THE STATE

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THE GOVERNOR
OF THE STATE

FLORIDA

1885

THE GOVERNOR

FLORIDA

DEPARTMENT OF WAR,

December 16, 1826.

SIR : In compliance with a resolution of the House of Representatives, of the 16th of May last, directing the Secretary of War "to communicate to this House the correspondence with the War Department, not before called for by resolutions of the House subsequent to the 2d of January, 1826, in relation to the Florida Indians," I transmit, herewith, papers, numbered from 1 to 14, which furnish the information required by the resolution.

I have the honor to be your obedient servant.

JAMES BARBOUR.

Hon. JOHN W. TAYLOR,

Speaker of the House of Reps.

No. 1.

DEPARTMENT OF WAR,
OFFICE OF INDIAN AFFAIRS, 4th Jan. 1826.To His Excel. WM. P. DUVAL,
Governor of Florida :

SIR : I enclose, by direction of the Secretary of War, a copy of the memorial of sundry citizens of Florida. You will examine into the causes of complaint, report upon them, and take measures to prevent their recurrence.

I have the honor, &c.

THO. L. M'KENNEY,

Accompaniment—No. 1.TERRITORY OF FLORIDA,
Alachua County.

To the honorable the President and Senate of the United States, in Congress assembled: The memorial of the undersigned citizens of this county respectfully sheweth: That your memorialists having, after the most mature deliberation, determined to bring before your honorable body grievances of which they have for some time labored—grievances of which we should not have troubled your honorable body, did we not foresee the ill consequences that will eventually follow, if not speedily remedied. In the hope that the remedy would be applied, beg leave to state that the Indian Agent for the Florida Indians gives permits, and admits the Seminole Indians to be strolling and hunting through this country, in large parties, contrary to the treaty made and entered into between the United States' Commissioner and the Seminole Indians, in September, 1823. Your memorialists further beg leave to state, that in March past, a party of those Indians fell in with an innocent and unoffending man in this county, shot and scalped him, for which outrage your memorialists verily believe no redress has been made, if demanded by the Indian Agent, and are daily committing depredations on the stock of cattle and hogs, and robbing the plantations of the; undersigned and have further to state, that in very many instances they are extremely impudent to the citizens of this county, it being frontier, all of which the Agent is fully aware of, notwithstanding the causes of complaint are not removed.

Your memorialists, as in duty bound, will ever pray.

MARSEY DELL,
WILEY BROOKS,
ELIAS KNIGHT, and
Sixty others.

No. 2.

TALLAHASSEE, 10th January, 1826.

Col. THOMAS L. M'KENNEY,

General Superintendent of Indian Affairs :

SIR : Colonel George Walton, late the acting Governor of the Territory of Florida, has given to me all the information he possessed on the subject of Indian Affairs. I have inquired of him if he knew any fact that could impeach the conduct of the Agent, Colo. Humphreys ; he has assured me that the conduct of the Agent, as far as he is acquainted with it, has met his approbation. I therefore trust that no communication from Col. Walton, which you may have received, and which may have the appearance of censuring the conduct of the Agent, will be considered as intended to reflect on his conduct. There is such a restless disposition in all new countries, to interfere and direct the conduct of the officers of Government, and so strong a temper to complain because many are restrained from trading with the Indians, that every report, however strong it may appear, should be most cautiously received.

I am, respectfully, your ob't servant,

WM. P. DUVAL.

No. 3.

DEPARTMENT OF WAR,

OFFICE OF INDIAN AFFAIRS, 11th Jan. 1826.

To His Excel. WM. P. DUVAL,

Governor of Florida :

SIR : I have had the honor to receive your letter of the 13th ult. and of conveying to the Secretary of War its contents. I am directed to state in reply, that the decision in regard to your salary, by the late Secretary, as conveyed to you in his letter of 20th April, 1824, cannot be, at this time reversed. But such aid as the Secretary feels himself justified in granting to you, he will cheerfully extend. He has directed me to prepare a Commission for Major John Phagan, as sub-agent, and to direct him to report himself to you. You will consider him as attached to your superintendency, and his services as being at your command in whatever branch of it you may have need of them to aid you in the execution of your duties. You will be allowed, also, at the rate of one hundred dollars per annum for office rent and stationery—this sum you will add in your returns as a contingent item which will be acted on with your quarterly accounts.

You will be held accountable for all moneys which you may receive on account of your superintendency, as a matter of course. No special compensation can be allowed for either the "risk or trouble." This is understood to be embraced in your pay as Superintendent.

It is hoped the relief which the services of the Sub-Agent will afford you, and the allowance for office rent and stationery, may make

the duties of your Superintendency lighter, and more acceptable.— You will pay Major Phagan at the rate of five hundred dollars per annum.

I have the honor, &c. &c.

THO. L. M'KENNEY.

No. 4.

TALLAHASSEE, *January 23, 1826.*

COL THOMAS L. M'KENNEY,

SIR: Your letters of 12th November last, directed to me, and one of the 7th December, 1825, directed to George Walton, esq. Secretary and Acting Governor of Florida, I have now the honor to answer. Your first is in answer to a letter of Col. Humphreys, the Agent, accompanied with a plan of the ground, and an estimate for a building and Council House at the Agency. I have instructed the agent for these purposes, not to exceed *two thousand* dollars.

Your letter of the 7th, which authorizes Col. Walton to draw bills, from time to time, on the Secretary of War, for a sum not to exceed five thousand dollars, will be attended to.

I assure you that no extension of the Indian boundary will keep them from starving until their next crops come in. The Apalachicola Indians are in a deplorable state. Three times last year were their corn fields and fences swept by the uncommon rise of the river. All these Indians live on the river, and until now they have never solicited the aid of the Government for provisions.

The old Chief, Blunt, and Tuski Haijo, have just left me; they have given me a gloomy picture of the distress now prevailing for want of food. These Chiefs and their Warriors served with General Jackson during the Seminole war.

In order to prevent the Indians from starving, the strictest economy must be pursued; and to do this, corn and salt only will be purchased for them, unless the Department should authorize some pork and beef now and then to be distributed. Small portions of either would be a blessing to these poor, improvident people.

The Indians have continued to fall back on the settlements, and have lately acted violently in Alachua, by driving a family from their farm, and taking all the provisions, and destroying part of their houses.

I must still say that a military post ought to be established on the South frontier of Alachua.

I hope, by my presence among the Indians, to settle, for the present, the causes of difference that exist between them and the citizens of Alachua.

I consider a military post in that quarter as essential to the protection of the Indians as of the citizens. It would check in the bud any improper design formed by either party.

The rations which were received by the agent at Tampa Bay, were not all issued to the Indians ; but as they have been received, and must be lost to the Government unless they are disposed of, I have directed Colonel Humphreys to issue them to the emigrant Indians, in the most economical manner, to subsist them.

These rations are the same Col. Walton mentioned in his letter of the 18th November last, to you, as having accumulated at Tampa Bay, &c.

I am not informed whether Col. Walton drew on your Department for the two thousand dollars which he was authorized to expend in supplying the Indians with provisions ; and if he did not draw for that sum, whether I am to consider the two thousand dollars as forming any part of the five thousand dollars specified in your letter of the 7th of December last.

A very small amount of *actual cash* has been turned over to me by the late Acting Governor. I am, therefore, without funds to meet many accounts that have been presented.

Col. Walton will, in the course of six or eight weeks, be in Washington to settle his accounts. He has started from this place to Key West, on business of the Territory, and will proceed from thence to the city.

The complaints that have been made to me by the citizens of this Territory, on account of alleged losses in cattle and other property, taken and destroyed by the Indians, have determined me to attend and take legal proof of these losses, and submit them to the War Department.

I do believe that many who complain loudly have sustained no loss, and that the actual loss will be trifling. By taking this step, all clamor against the Indians will be silenced ; and I hope the Secretary of War will approve of the measure. No evil, and much good, may result from this proceeding. Those who have just claims for indemnity will be heard in a formal manner, and all who complain will have a fair opportunity of proving the injury they have sustained. If the Secretary should, however, think differently on this subject, I hope you will advise me as early as possible.

Until I hear from you I shall so proceed in this matter, as not to commit the Department by any act of mine.

I am, &c. &c.

WM. P. DUVAL.

No. 5.

TALLAHASSEE, 24th January, 1826.

To Col. THOS. L. M'KENNEY,

General Superintendent of Indian Affairs :

SIR : I have the honor, in reply to your letter of the 26th of December, 1825, to state that I regret the communications from the

late Acting Governor Walton, has given some uneasiness to the Department, relating to the issuing of rations, &c. connected with a letter from Mr. Charles Pindar.

That Col. Walton did not take time to understand this complaint, or communication, before he ventured to give any consequence to a subject that has no connexion with the contract made by the United States with Major Chaires, will, I am sure, be a subject of lasting regret to himself.

By order of the late Secretary of War, an advertisement was published by the Agent, Col. Humphreys, calling for proposals to supply the emigrant Florida Indians with rations ; and, at the time fixed, the Agent attended at this place to receive the proposals, none of which were to be considered *as binding* unless approved by me.

I was at the time in Pensacola, and the lowest offer the Agent received, was made by Maj. Chaires, for eighteen cents and one quarter of a cent for the ration entire.

When this proposal was transmitted to me for my approval, it was instantly rejected as too high ; and I immediately advertised that other proposals would be received by me, at Tallahassee, up to the 20th of July 1824.

This advertisement, by the advice of the late Secretary of War, was published in Charleston, New Orleans, Florida, and other papers.

The contract was ultimately made with Major Chaires about the 20th of July following, (his bond is filed in the proper office in Washington.) Mr. Pindar neither sent his proposals or attended at that time. Major Chaires' offer was the most favorable to the United States of any that was made.

Governor Clark, of Georgia, attended in person ; and his offer was fourteen cents, for the rations to be delivered at Tampa Bay and St. John's river.

Major Chaires was not favored in the contract on account of his having made former proposals. His was the lowest bid, and therefore was accepted.

I send you a copy of the proposals made by Major Chaires, the 29th May 1824, and which were rejected ; also a copy of a note addressed by Mr. Pindar to Major Chaires the morning he made his communication to the Acting Governor Walton, together with copies of my letter to Mr. Pindar, on this subject, dated the 22d inst. and of his letter in reply, with a copy of the private agreement between Mr. Chaires and Pindar.

Mr. Pindar states, he was informed, by the Acting Governor, that Mr. Chaires had been favored in the contract, and that he was advised by him and others to take the course he had pursued. I have only to remark, that so far as I had any agency in making the contract, no man was favored ; and I hazard nothing when I say that the Government, by my attention in making the contract, has saved many thousand dollars in the rations ; nor could the Government, at any time since, or now, under the same circumstances, obtain a con-

tract so favorable. I believe the fact to be, that the troops stationed at Tampa Bay have never been furnished with the beef part of the ration for less than twelve cents.

I state that Mr. Pindar is mistaken when he supposes Major Chaires has set up a claim against the United States, on account of his disappointment in not having his proposals of the 29th May, 1824, accepted. I never heard of such a claim; and if Major Chaires has made any such demand, it must have been to the Secretary of War.

It is my opinion, that the difficulty in this matter has arisen from a private dispute between Mr. Pindar and Chaires, about the first proposals offered by Mr. Chaires, dated the 29th May, 1824, and which I rejected. The papers herewith transmitted, will prove that Major Chaires has been misrepresented and injured; and that the object of Mr. Pindar was to delay the payment due by the Government to Mr. Chaires on the contract, unless the five hundred dollars, claimed from him by Mr. Pindar, was paid.

All which is respectfully submitted to the Department of War.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

Accompaniment, No. 1.

TALLAHASSEE, *May 29, 1824.*

SIR: I will furnish, for the term of one year, the rations for the Indians in Florida, agreeable to your notification, for eighteen cents and one quarter of a cent per ration entire, or beef for eight cents per ration, or as much lower as any other person will, provided the price is not less than six cents and seven-eighths of a cent per ration; and the corn and salt for eleven cents and three-eighths of a cent per ration.

Edward R. Gibson, John Y. Garey, Francis J. Ross, and John Bellamy, are offered as securities for the fulfilment of the contract; should those not be, by *you*, considered sufficient as many other names will be added as you may require.

Yours respectfully,

BENJ. CHAIRES.

Col. GAD HUMPHREYS,
Agent Florida Indians.

Endorsed—"Accepted, the security being satisfactory, and terms offered more advantageous than any other with sufficient security."

The foregoing endorsement in the hand-writing of Colonel Humphreys, Indian Agent.

Rejected,

WM. P. DUVALL.

The above and foregoing is a true copy from the original in my office of Indian Affairs.

WM. P. DUVALL.

TALLAHASSEE, *January 23, 1826.*

Accompaniment No. 2.

Saturday.

Charles Pindar presents his compliments to Major Chaires, and begs leave to suggest to him as a matter of importance to Major Chaires' interest, that he shall this morning wait upon the Superintendent of Indian Affairs and communicate to him the nature of the transaction, the result of which is unsettled between them, and other disclosures, which will have the effect at least to retard the settlement of Major Chaires' accounts if transmitted to Washington by the Superintendent, and probably to occasion a greater loss to him, than the amount at present withheld from Mr. P. unless Major C. by doing him justice, shall prevent the necessity of his so doing.

Major B. CHAIRES.

A copy from the original examined by me,

WM. P. DUVAL.

Accompaniment, No. 3.

TALLAHASSEE,

Executive Office, Jan. 22, 1826.

SIR: A letter which you addressed to the late acting Governor Colonel Walton, on the subject of the contract for rations which were to be furnished to the emigrant Florida Indians by Benjamin Chaires, Esq. has been submitted to the War Department. I am directed to ascertain what relation or bearing your communication has to the contract entered into by Major Chaires with the United States, and how they are interested in the disclosure you have made and propose to make. I request you will favor me with such a statement of facts as will elucidate this subject, and, also, that you will state whether your letter to Colonel Walton was intended to apply to any other time or proposals for supplying the Florida Indians with rations than those received by the Agent, Colonel Humphreys, at Tallahassee, the 30th of May, 1824.

I am, with great respect,

Your obedient servant,

WM. P. DUVAL.

Colonel CHARLES PINDAR.

Accompaniment, No. 4.

TALLAHASSEE, *Jan. 23, 1826.*

SIR: I had the honor yesterday to receive your communication in regard to a letter addressed by me to the late acting Governor Colonel Walton, on the subject of Mr. Chaires' contract to furnish the emigrant Florida Indians with rations, and requesting from me such statement as will elucidate the subject, and show what relation or bearing my communication has to the contract entered into by Major

Chaires with the United States, and how they are interested in the disclosure I have made, or propose to make.

I proceed, in compliance with your request, to state that when proposals were called for by the advertisement of the Indian Agent, Colonel Humphreys, on the 30th of May, 1824, for the purpose of offering to furnish the supplies required, I visited Tallahassee, where I met Mr. Chaires, who I ascertained was led to the place by the same views as myself. After some conference with this gentleman, I concluded to withhold the proposals I had previously intended to make, and entered into an arrangement with Mr. Chaires to that effect; in consideration for which, he agreed, by his written obligation, (which accompanied my letter to Colonel Walton,) to pay me the sum of five hundred dollars, which payment he has since refused, upon the ground that the contract proposed for at the time of our understanding above named was never concluded or closed.

Having been told, however, by the acting Governor, Colonel Walton, that the contract finally entered into with Mr. Chaires, was made more favorable to him in consequence of the encouragement given to his first proposals, and that for the *same reason* he was allowed a *higher price for rations* than he would have otherwise been allowed, I deemed myself fully entitled to the sum which I claimed from him, there being, under the view of the subject given me by Colonel Walton, a manifest connexion between the two transactions of the United States and Mr. Chaires, in relation to the contract, the one dependent upon the other.

With regard to disclosures supposed to be intimated in my communication to Colonel Walton, I have only to say, that I have it in my power to make none further on the subject in question, than to state, as my opinion, that Mr. Chaires can have no just demand against the United States on the ground of his disappointment in relation to his first proposals for the contract, as he evidently, by refusing to pay me, considers the first contract void, and consequently he can have no claim upon the United States for extra compensation on account of it.

This was likewise the opinion of the acting Governor, Colonel Walton, and other gentlemen whom I consulted, and by whose advice I instituted the proceedings I did towards Mr. Chaires.

It is perhaps but just to say here that the rate at which Mr. Chaires proposed to furnish the rations at the period in question, was much lower than I should have offered.

My letter to Colonel Walton was not intended to apply to any other time, or to any other proposals than those received on the 30th of May, 1824, by Colonel Humphreys.

I am, with great respect,

Your Excellency's most ob't serv't,

CHARLES PINDAR.

His Excel'cy Wm. P. DUVAL.

Governor of Florida.

I certify this letter is a true copy from the original in my office of Indian Affairs.

WM. P. DUVAL.

TALLAHASSEE, January 23, 1826.

Accompaniment, No. 5.

TALLAHASSEE, 30th May, 1824.

I promise to pay to Mr. Charles Pindar, or order, the sum of Five hundred Dollars, on my obtaining and completing the contract for furnishing the Indians with Beef, as &c. per proposals requested by Col. Gad Humphreys, Indian Agent, published in the Pensacola Gazette, under date of 22d May, 1824, in consideration of the said Charles Pindar withdrawing his proposals.

The words "& completing," interlined.

BEN. CHAIRES.

I certify the above is a true copy from the original, now before me. January 23d, 1826.

WM. P. DUVAL.

 No. 6.

FLORIDA AGENCY, February 22d, 1826.

Col. THOS. L. M'KENNEY,

SIR: Finding, on my arrival at the Agency, that the Chiefs of the Seminole nation were extremely importunate that I should examine the country assigned by the late treaty, urging strongly that it had not been fairly represented to the President of the United States, and that great injustice had been done to them, I determined to act on the order from your Department, to explore the Indian Country, and to report, on my own examination, exactly as I should find it to be.

I have now the honor, after a faithful and laborious examination of their lands, for thirteen days, to make the following report. The Long Swamp, which is on the right of the military road leading from this place to Tampa Bay, is the first land near the present Northern line, deserving any attention. This Swamp is near six miles long, very narrow, and entirely too wet for cultivation, except thirty or forty acres at its Southern extremity, which is inhabited by a family of Indians: I consider it of little value. Okahumpki, signifying in our language *one pond*, is an Indian town; the land is too poor for cultivation, and there is very little good land in its neighborhood. Palacklakaha is a town occupied by the Indian negroes, its name signifies, *Scattered hammoc*; there is but little land fit for cultivation about it, and in the rainy season the best of it is under water. Chicuchatty, or Red House, is an Indian Town, on the margin of a large pond; it appears to be an ancient settlement: All the good lands have been exhausted by cultivation, and it is now poor, unhealthy, and has no water near that is fit to drink. The Big Hammoc is situated near this town. I spent some days in examining it, and was greatly disappointed in its fertility, extent, and supposed advantages. The Big Hammoc is much lower than the adjoining land, which is poor, pine,

sandy hills, wholly unfit for cultivation. There is a large pond in the centre of this Hammoc, with several drains ; in the wet season it is the greater part under water ; in the dry season there is no water except in this large pond. The soil, from its growth of timber, would induce a passing observer to believe it very fertile ; but I found on examining the land in many places, that it is a light mould two or three inches deep based on white sand, and would, if cultivated, in three years become a bed of sand. The whole extent of this Hammoc would not make more than a township ; there is but one small Indian Settlement in it, and take it altogether, I feel confident it has been vastly overrated. I think that a man who is judge of land would not give more than one dollar per acre for the best of it, above high water mark, which would be but a small part of the whole Hammoc. I did not travel but a short distance, in going South, on the military road. I left it near Okahumpki, and examined the whole country to the right of the road as far as Tampa Bay. I visited every spot where any lands were spoken of as being good, and I can say with truth, I have not seen three hundred acres of good land in my whole route, after leaving the Agency. The lands on the Big and Little Withleconcha are poor, and the lands on Hillsboro' River, within the Indian boundary, are of so little value, that there is not one Indian settlement on any of them. I did not visit Peas Creek. I had suffered so much from drinking water, alive with insects, from musquitoes, intolerable hot weather, and my horses were so reduced by the journey, and the swarms of horse flies, that I determined to leave that point unexplored, having received satisfactory information that there is but a small tract of good land in that quarter. I never have seen a more wretched tract of country, than that which I entered five or six miles south of Chucuchatty—the sand hills rise very high, and the Indian trail winds over an extensive sand ridge for eight or nine miles ; the whole of the timber for this distance, as far as the eye can survey, has been killed by fire ; the burnt and blackened pines, without a leaf, added to the dreary poverty of the land, presents the most miserable and gloomy prospect I ever beheld.—After descending the Southern extremity of this Ridge, I entered a low, wet, piney country, spotted with numerous ponds. I had much difficulty to pass through them, although the season has been uncommonly dry ; had much rain fallen, I never could have reached Tampa Bay in that direction. So low was the whole country as far as the Indian boundary extended towards Tampa Bay, that, after riding all day and until eleven o'clock at night, in the hope I would find a dry spot to sleep upon, I was compelled to take up my lodging on a low wet place for the night. No settlement ever can be made in this region, and there is no land in it worth cultivation. The best of the Indian lands are worth but little ; nineteen-twentieths of their whole country within the present boundary, is by far the poorest and most miserable region I ever beheld. I have therefore to advise, as my duty demands, and the honor and humanity of my country require, that the Big Swamp be also given to the Indians, and that the Northern

side be fixed five miles north of the *Big Swamp*, and extended to the Okelawaha river East, and so far West as to include the Big Hammock: this line will take in no good land but the Big Swamp, of any consequence, but by extending it into the pine barren five miles, it will keep off settlers from the Indian boundary who would otherwise crowd near the line, and sell whiskey to the Indians. The pine barren between the South end of Alachua and the Big Swamp, is poor, and never can be cultivated: the distance is about twenty-five miles. The Big Swamp is six miles long and is about two miles wide, and is healthy, high, rich land.

I have the honor, &c. &c.

WM. P. DUVAL.

No. 7.

FLORIDA AGENCY, *March 2, 1826.*

SIR: I have the honor to state, that, during the last month, I was engaged in collecting and ordering the Indians who were West of the Suwanna river into their boundaries. For several days past I have been engaged in holding talks with the Chiefs of the nation at this place, copies of which the Agent will present you.

The Warriors of the nation and the most influential Headmen having earnestly importuned me, that their head Chief, Hicks, and six other distinguished Chiefs, be permitted, with their Agent and Interpreter, to visit the President of the United States, and, also, to visit such other cities as you may think proper, I have, on reflection, consented to their wishes.

This I would by no means have agreed to, but, under the late Administration, I had permission of the Secretary of War to send on a deputation, but, owing to the removal of the Indians at the time, and the necessity of the Chiefs being with their men, I did not urge or desire them to go. I had good reasons, also, to believe that Nehemathla, who was at that time head Chief of the nation, was determined to prevent the other Chiefs from visiting the city, and, if possible, to raise some serious difficulties with the white People. This he was near doing during the Summer of 1824, but my presence prevented it. I broke the head Chief, and he removed to the Creek nation where he belonged.

I consider it highly important that these Chiefs should visit Washington, as they never have been in the United States, and have no idea of the power or numbers of the country.

These Chiefs are disposed to do their duty, but are afraid to exert their authority for fear of a part of the nation called the Mickesuky tribe, who are a very bad set of men.

It would not be amiss for you and the President to give the title of Governor of the Red Men to Hicks, as he has been elected its Chief by the unanimous voice of the nation.

I have not hinted to these People as I was advised to do by your department, that they might remove to lands West of the Mississippi; because I felt certain it would alarm them, nor would they be willing to remove, unless the Creek nation should also emigrate. You can much better, while they are at the city, ascertain their views on this subject, than I could at this moment. The Agent, Colonel Humphreys, will give you all the information you may desire, as to the temper and feelings of these People. I would, however, most strongly advise the establishment of a military post near the agency; this measure will be attended with many benefits to the inhabitants as well as the Indians.

If the Chiefs had a force convenient to support them in their authority, they would at once be able to keep their People within the boundary, and to punish those who are refractory.

Many whitemen will crowd near the Indian boundary, who are worse than the Indians, and do constantly cheat them, and steal their horses and cattle. This force near the agency would control all such men, and give security and peace to the honest white settlers and the Indians.

I do most sincerely hope that you will view this subject as I have done, under all the circumstances, which have convinced me that this step is necessary.

I am, &c. &c.

WM. P. DUVAL.

Hon. JAMES BARBOUR.

Accompaniment, No. 1.

Copy of a talk delivered to the Indians of the Seminole nation, by his Excellency Wm. P. Duval, Governor of Florida, and Superintendent of Indian Affairs in the same.

Chiefs, Warriors, and brothers of the Seminole nation! Listen to the talk, sent to me by your great father the President of the United States, with his orders, to deliver the same to you in the words which he writes on this paper.

How is it, my red children, that many of you act wrong and very bad, that you kill the hogs and cattle of the white People, and that you take their potatoes and corn, and burn their houses? do you not expect such bad actions will occasion war? Beware in time of your danger, for if you sit still and let your bad People continue such conduct, mighty evils will soon fall on the whole of your nation.

I have sent your Governor to give you this talk, and to finish running your boundary line. Your Governor told me you had not good land enough to raise corn. I have ordered him to run your Northern line so as to take in the Big Hammoc, which shall be your land; no white People shall settle on it; you may remain at the Big Swamp this year, or you may move in the fall to the Big Hammoc, as you may think proper, but you are to stay at the Big Swamp no longer

than I choose to permit you to remain; when my orders come to you to move, then you must go into your boundary.

Listen to your great father my red children; you have good hunting grounds South, towards the point; the deer, it is true, are smaller there than they are North, but there you find them more numerous. You must not go into the white settlements to hunt without a paper from your big Agent; or, in his absence, your little Agent. My red children, I wish you to do good, and then you will be happy; but some of your People are bad men and do not listen to my words. When I hear that cows and hogs are killed, and other mischief is done to the white People, and I ask who did it? my People all say it is the Micksuky tribe. Chiefs and Warriors, how is this? what has become of your laws? what has become of the brave and good Chiefs and Warriors of the Seminole nation? have they all died? is there no authority existing in your nation? will you suffer a part of a tribe to oppose the will of the nation? Rise up Chiefs and Warriors and enforce your authority, or if you have so many bad men in the nation that you are afraid to do your duty, then indeed you are disgraced, and the spirit of your fathers will frown upon you; in a few years your race will be no more, and the traveller passing through the land shall inquire in vain for the once brave and mighty Seminole nation. Chiefs and Warriors rise up! save your nation from this disgrace; follow those who refuse to submit to your laws, and as you have found that your kind and friendly advice will not answer, you must chastise severely that set of men who set your laws and Government at defiance.

This is the law of all nations, white and red, and if you do not enforce it, your nation must soon pass away. Children, listen to my words. The red men who shall go into the white settlements, without a paper from the big Agent, or, in his absence, the little Agent, (for no other persons can give you a paper,) your nation will suffer for it. I will be a good father to a good nation, but a bad nation will I crush in the *hollow* of my hand. Your great father is very angry with the bad men of your nation, and requires you to punish them, he will support and protect the Chiefs from all harm who do their duty; so do not be afraid, for his arm is strong; your great father says it is your duty, and not his, to keep your bad men in order. I have been patient with you for a long time, and you have injured my white children. I have waited for you to turn from your evil ways. Your Chiefs have promised to control your People, and I sent my soldiers away from the agency last Summer; but you have not done so, and I am disappointed; and now comes the end of all bad doings; you will lose all your land unless you hearken to my words, and I shall strike with a mighty arm if you do not compel your bad men to submit to law; for remember when it rains it falls on all, the good and bad alike.

Chiefs, Headmen, and Warriors, hear my words: I order you to give the law to bad men. Now let your future conduct speak, and show whether you are worthy of my friendship, or whether you will have my wrath.

Children, make fields and raise corn and provisions. I have, for a long time, given you much to eat; now I will give you corn and salt at Tampa Bay, until your next crop is fit to eat. I will give no more after that time. Those who are lazy, and will not raise corn, may starve. Forget not my words. In time, plant your corn, work your fields well.

Chiefs, Headmen, and Warriors: If your bad men are not kept under, your annuity will be taken from you to pay the white people for the damage they have done.

I give no corn to my white children. They are obliged to raise their own provisions. You see I have been kinder to you than to them.

Look to your Agent, and mind his talks. He has always given you good advice, and if his words had sunk deep in your hearts, you would not now be in this difficulty. Your people have stopped their ears, and will not listen to your Agent, and now you see the consequence. I sent your Governor to look at your lands. If you have not good land enough to raise corn your great father, if you mind his words, will give you more land; but, if you do not control your bad men, you will lose all. My children, you have some good sense, and you showed it when you elected my good Chief, Col. Hicks, the Governor of your nation.

I hear some of the red men are trying to raise up a party of bad men to injure him. Mind my words: I charge you to support your head Chief, and to defend him against bad men: for, as certain as the Sun shall rise in the East, and go down in the West, will death be the lot of those who raise their arms against their head Chief. So execute your law on the men who have threatened to take his life.

My children, I have ordered your Agent to come to me, at Washington city, and to tell me, with his own tongue, whether you will be good, or what you have done with this talk. So, send by him your talk, and let the Governor write it down, so that I may read it; and know your hearts, do your duty, and I am your friend: refuse, and I am your enemy.

Chiefs and Warriors: You hold negroes in your nation that belong to the white people. By the treaty, you are bound to deliver all the negroes, that do not belong to the Indians, to the agent. This you have not done, although you have promised, in your talk, to do so. You are now called upon to fulfil the treaty. You are not to mind what the negroes say; they will lie, and lead you astray, in the hope to escape from their right owners, and that you will give them refuge and hide them. Do your duty, and give them up. They care nothing for you, further than to make use of you, to keep out of the hands of their masters.

Thus far the negroes have made you their tools, and gained a protection, contrary to both justice and the treaty, and, at the same time, laugh at you for being deceived by them. Your conduct in this matter is cause of loud, constant, and just complaint, on the part of the white people, who are thus deprived of their slaves. Deliver them up, rid your nation of a serious pest, and do what, as honest men, you should not hesitate to do; then your white brothers will say, you have done them justice, like honest, good men.

Should you, however, refuse to do this act of justice, I shall order my soldiers to go over your whole country, to search every part of it, from time to time, and to seize on all runaway slaves by force, and, in this confusion, many of you may lose your own slaves. If this happens, the fault will your own, in trying to keep that which does not belong to you, and you will have no right to complain. There must be no longer delay in this business, but you must proceed immediately to deliver to the Agent all slaves and other property now in your nation, belonging to the white people, or expect immediate chastisement will follow your neglect: for I will order my soldiers from Tampa Bay to scour the country, and drag the runaways from their hiding places, and make your nation suffer for its neglects and violations of the treaty.

WM. P. DUVAL.

Accompaniment, No. 2.

Reply of Colonel Hicks, head chief of the Seminole nation, to his Excellency William P. Duval, Governor of Florida.

I have listened to your talk, and your words have sunk deep in my heart—I met you first at the treaty at St. Augustine—the talk you gave me then I did not forget, but have acted by it—your words I have always kept by me—you told me, that when our people moved from our old towns to where we now live, that we should not suffer, and that we should receive provision to live upon for one year, until we could make a crop—the promise gave us comfort and encouragement, and it has been fulfilled. We have had the provisions, but, as we made no corn the last year, owing to the dry weather, we have been very hungry since you stopped giving us provisions, and we were afraid that we must suffer much, even before our next crop could come in; and our minds are now easy, since you tell us, that you intend to give us corn a little longer. I have nothing more to say now, but wish to talk again to-morrow.—*February 24th, 1826.*

February 25th.—We have thought upon what you told us yesterday. Your talk is right, and we will keep it in mind. We know that some of our people have acted bad, and done mischief to the white people's property. We have talked to them about it, from our agent, who has told us they would bring trouble upon us, if we did not give them the law, and keep them from doing mischief. I have given his talks to them, but they shut their ears and would not believe me. We are now determined to enforce our laws, and these bad men, who will not hearken to reason, shall be made to feel our law, and then, we think, we shall live like friends and brothers with our white neighbors. There is bad men among all people, the white as well as the red. Some of our people have had cattle and hogs killed by the whites. We hope justice will be done to us, and that you will keep the bad white men from doing us any more mischief.

You tell us you have come to run the line. We wish you to wait until some of our headmen can go to Washington, with our agent, to

see our Great Father, who, we think, will give us more land, and then we shall be satisfied.

It is not my fault that my nation is poor and has lost its land. We think it the Spaniards who have wronged us and sold our lands. All of our old men are gone ; there is none left. I am left young, but still I must go to see my Great Father, and attend to affairs of my nation.

I do not wish or intend to have a long talk. I shall soon finish. We rely on our Great Father. We think he will be kind to us if you write to him for us, and our agent will be there to talk for us. Our people who have behaved bad we intend to correct, and have appointed officers this day, to give them the law, and make them know their place ; so that I hope they will give the white people no more trouble.

We heard what you said about the runaway negroes in our country. We will not keep them, but bring them to the agent, that they may be given to their owners. In fifteen days from to-day, we will bring in all that we can find.

The white people have got some of our negroes, which we expect they will be made to give up. We are all the children of one Great Father, and he will treat his children all alike.

Answer by his Excellency.—Whenever property belonging to the Indians can be found with the white people, they shall be made to give it up ; for the white and red men must be treated with the same justice. This shall be attended to. As you wish to go and see your Great Father, with your agent, you shall ; and I will delay running the line until you come back, as perhaps, he may give you more land. I am going with your agent to look at your country, and, if I find you have not enough good land, I will request your Great Father to give you more ; and, when I come back from examining your country, I will appoint a day for you to start on your journey to Washington to see him.

The white people have some of them made complaints, and said many bad things about your Agent. They say, that he does not try to keep the Indians in order, and from doing them mischiefs. I wish to know the truth of the matter, and your Agent wishes me to ask you, whether he has urged the red people away from the white settlements, and to stay within their own limits. I want you to tell me what his talks have been on this subject.

Reply by Hicks.—I have heard before that the whites were talking evil of our friend ; but it is not all of them that do it ; it is only a few of the bad ones among them, that do not like him, and wish him evil because he is our friend, and wishes to see justice done to us. We have some bad men among us, who speaks crooked words of me, because I try to make them obey the talks of the Agent, which I know to be straight ; they are like the talks we have had from you—your talks and his are alike, and my people would listen to them and mind them.

By Governor Duval.—I am glad to hear what you say about the talks which your Agent has given you. I know that he has given you straight talks, and I am pleased to hear that you are determined to follow them. He has been always your friend, and he has done much for you, and if you wish him to stay with you, you must mind

what he says to you. Should you neglect or disregard his advice, I am afraid he will be displeased and discouraged with you, and you will lose him.

Hicks' Reply.—We know our agent has been our great friend—you told us he would be so. We cannot wish him to leave us. I think that, should we lose him, it would be to me the same as to lose myself. We will mind his talks, and the talks you gave us, and try to make him stay with us. We hope, that when we come back from seeing our Great Father, every thing will be settled, and then all will go straight in our nation.

I have done.

I certify, the foregoing talks are recorded truly as delivered by the Interpreter to me.

WM. P. DUVAL.

No. 8.

FLORIDA AGENCY, March 15, 1826.

Col. THOS. L. M'KENNEY.

SIR: Under the directions of your Department to inquire into the subject of the excessive issue of rations to the emigrant Florida Indians, by the orders of the Agent, Col. Humphreys. I have the honor to submit the following report: The whole number of emigrant Indians, who were entitled to draw rations under the treaty, as will appear from the depositions of Samuel Y. Garey, issuing Agent, at Hamly's old Store, on the St. John's river, and also from the deposition of the sub-agent, Oren Marsh, Esq. was eighteen hundred and forty-four: in this estimate children are rated, two for one grown person. As they received only half rations, you will see from the returns made by the issuing Agents, that the whole amount of rations claimed by the emigrant Indians, at no time, were ever issued to them, and that the actual issues fell considerably short of their number, even after the issues were increased by the order of the Agent. It was owing to this deficit that the Indians complained and became turbulent. I am perfectly satisfied that the Agent has acted properly in this matter, as he apprized the acting Governor that large issues had become necessary, after the back rations had become exhausted. My instructions to the Agent were, not to issue more than one thousand rations daily, as called for by the contract with Major Chaires, until the acting Governor could be apprized that greater issues were necessary. These instructions were given—first, to prevent any loss by the accumulation of rations; as the Indians would move slowly from the West, there would of course be many back rations due to them when they arrived. But by the contract made with Major Chaires, a right was secured to the Government, (by giving him reasonable notice,) to require of him to issue any number of rations which might be required, over and above one thousand, daily. I was convinced that one thousand rations would not meet the wants of the Indians after they had all assembled in their boundary;

hence my instructions to the Agent, to take the exact number of all the emigrant Indians, and to report what additional issues would be required.

So far from censuring the Agent for the issues over and above the one thousand rations, which was expressly authorized, under all the circumstances, I feel assured that he has only discharged his duty ; I will go farther and state, he would have been perfectly justifiable had he authorized the issue daily of one thousand eight hundred and forty-four rations, for this was the number of emigrant Indians, entitled to rations. In making my estimate, which was forwarded to your department, long previous to the issue of rations to the Indians, it could not be supposed, as they were scattered all over the Territory, that I could do more than conjecture the number, who would be entitled to rations. The Government has not been imposed upon in the issues actually made to the Indians, but on the contrary have saved several hundred rations, daily, which these people were justly entitled to receive. The issues, over and above four hundred rations daily, which were made at St. John's, by Mr. Garey, were at the same price as if they had been delivered at Tampa Bay by an arrangement between the Agent and Major Chaires, so that the contractor has gained not a cent by the surplus issue, at Hamly's Old Store. The contractor has honestly performed his engagements with the Government, and I am well satisfied that the Agent has faithfully discharged his duties as far as he was permitted to act. I approve of his conduct, and regret that injustice should, for a moment, have detracted from his services and merit.

I called on Col. Brooke, commanding officer at Tampa Bay, who assured me that it was absolutely necessary to increase the issues at that point, and that when the same was extended as far as the sub-agent had means to do so, he, as commanding officer, deemed it his duty to order further issues from the military stores, to prevent a portion of the Indians from starving. There was not a magistrate at Tampa Bay, otherwise Col. Brooke's deposition would have been also taken, but his word to the Government, in this matter, will no doubt be satisfactory. All of which is respectfully submitted.

I have the honor, &c.

WM. P. DUVAL.

Accompaniment, No. 1.

The Deposition of Oren Marsh, Sub-Agent for the Florida Indians, taken at the Florida Agency, on the 13th day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposeth and saith, that he made the issues of rations to that part of the emigrant Florida Indians, that were entitled to draw rations at Tampa Bay, under the late Treaty with the United States. That the whole number of emigrant Indians who were entitled to rations at that

point, was six hundred and sixty, as well as this deponent can now recollect; that his returns and abstracts will show that a much less number received rations at that point. The reason why so small a number of rations, for the greater part of the year, were issued at Tampa Bay, was because several towns, from the West, did not come into the boundary until about two months before the expiration of the time, when the issues were to cease. That these people were all well supplied with rations until the time expired which had been fixed by the contract. That this deponent's returns and abstracts will shew that a considerable amount of rations was yet on hand, and which the acting Governor forbid this deponent to issue to the Indians, by an order through the Agent. That since the return of Governor Duval, to this Territory, I have received orders, through the Agent, to issue the rations on hand to the Indians who had emigrated to this country; and I have issued since, and continue to issue, these rations. There is now about five thousand rations on hand, which will soon be exhausted.

Question by Col. Humphreys.—Are you informed as to the whole number of emigrant Indians, who have removed within the boundary, and also apprized of the average amount of rations which were daily issued to them during the period, which, by the treaty they were entitled to draw rations from the United States?

Answer.—Yes, I am informed on both points.

Question by the same.—Do you or do you not believe that the issues, as made, were necessary to the subsistence of the Indians, and that they could not have been comfortable with a more limited amount of rations.

Answer.—I do not believe they would have been well sustained with a smaller amount of provisions, and I am convinced that more extensive issues would have added to their comfort and contentment.

Question by the same.—Have you thought me governed by a disposition to economize, and study the interests of the Government, in issuing rations to the Indians; or have you, on the contrary, discovered in me a disposition to be prodigal in this respect?

Answer.—I have sometimes thought you too much influenced by a desire to serve the interests of the Government, but never believed you unmindful of the true interests of the United States: and further this deponent saith not.

OREN MARSH.

FLORIDA AGENCY, 13th March, 1826.

This day personally appeared before me, a Judge of the County Court of Alachua County, East Florida, Oren Marsh, Sub-Agent for the Indians, who made oath that the facts and statements in the foregoing deposition, are correct and true.

Given under my hand.

FRANCIS R. LANCHEZ.

Judge of the C. Court of Alachua.

Accompaniment, No. 2.

The deposition of Samuel Y. Gary, taken at the Florida Agency, on the 12th day of March, 1826.

This deponent, being of lawful age, and being duly sworn, deposeth and saith : That he acted as agent for the United States, and issued the rations to the emigrant Florida Indians, at Hamly's Old Store, on the St. John's river, under the late treaty made with the Florida Indians; and that the whole number of emigrant Indians that were entitled to daily rations at his post, rating the children at half rations, amounted to eleven hundred and eighty-four; that rations were not issued to the whole number of Indians who were entitled to rations, because he had not sufficient to meet their demands. This deponent further states, that, as well as he now recollects, that during the time the aforesaid emigrant Indians were entitled to draw rations, that for about one hundred and eighty days they could only be supplied with half rations; and that, if the Indians had received the whole number of rations that they were entitled to, the issues at his post on the St. John's river would have been much greater. This deponent does not hesitate to state, that, so far from the agent Colonel Humphreys, ordering him to issue more rations than were absolutely necessary, that less were issued than the Indians had a right to demand. This deponent, for greater certainty, begs leave to refer to his returns and abstracts, made by him to the Superintendent of the Florida Indians: and further this deponent saith not.

Question by Colonel Humphreys. Was not much complaint and dissatisfaction occasioned among the Indians for want of their rations, and on account of the limited issues?

Answer. Yes; I had considerable difficulty on that subject; the Indians contending that they were entitled to receive more than I was authorized, by my instructions, to issue.

Question by the same. Do you not believe, that the increased issues I ordered you to make, prevented serious difficulties with the Indians.

Answer. I do; for there was frequent manifestations of violence on their part, previous to the order for further issues.

On no further questions being put to the witness, this deposition is closed.

SAML. Y. GAREY.

This day appeared before me, Judge of the County Court of Alachua county, East Florida, the above Samuel Y. Garey, and made oath the facts contained in the foregoing deposition he believes to be correct and true.

Given under my hand, this 12th day of March, 1826.

FRANCIS R. LANCHEZ.

Judge of the C. Court of Alachua.

No. 9.

Extract of a letter from Governor Duval to Colonel M'Kenney, dated March 20th, 1826.

"I have given the agent permission to visit his family, and he will return in December next. I do [not] believe that his absence will be prejudicial to the interests of the Indians or the Department. I shall give myself all necessary attention to any business that the agent would have been required to perform. I hope the appointment of Major Phagan is not to supersede Mr. Marsh, who had been regularly appointed the sub-agent, and with whose conduct I am well pleased; he is an active, enterprising, correct man, and one well qualified for the office he now holds. The other gentleman, Mr. Phagan, will find ample employment in attending to the Appalachi-cola Indians.

Colonel Humphreys is a man of fine information, and every way worthy of confidence. I hope you will become well acquainted with him, and learn, as you may, the precise situation of the Indians of Florida. The agent has exercised his patience with these people, but is uniformly kind and even affectionate to the chiefs and warriors who behave properly. I can aver, that no man I ever knew, takes an interest more lively and deep in the welfare of these people than Colonel Humphreys. I recommend particularly, that his advice in relation to the government and improvement of the Indians be attended to in your Department."

No. 10.

FLORIDA AGENCY, 20th March, 1826.

Colonel THOMAS L. M'KENNEY,

General Superintendent of Indian Affairs :

SIR: I have had the honor to receive, at this place, your letters of the 4th and 11th of January last, the first with a copy of a memorial from the citizens of Alachua county. The investigations shall be made into the charges set forth against the agent, and I have given notice that, on the 23d instant, I will attend in Alachua, at the house of Col. Piles, to receive any evidence which the citizens can offer against the agent; and inviting those who signed the memorial, and all persons concerned, to come forward on that day. I will, in due time, report the facts and evidence to your Department. You will see by my report on the quality of the lands within the present Indian boundary, that I have declined running their line until my report shall be acted on, and as a deputation of the chiefs are about to visit the President on this subject, it would be very impolitic, if not unjust, to take any steps in this business, until they hear from the Secretary of War the result of my report. I have seen the letter you addressed to Major

Coffee, his name is not John, but Joshua A. Coffee. It is my wish to superintend the running and marking of the lines in person; this I had promised to the chiefs to do, and I had engaged Major Coffee to act as surveyor. The running of the boundary line is a matter of great moment with these people, and if I was not present they would be dissatisfied, and suspicious of its validity. During the Fall or early part of the Winter the line can be run, but it is now too late in the season to attempt it. I wish to have Major Coffee as surveyor, and an order for a detachment under some officer, with the necessary transportation, provisions, &c. when they shall be required. I would prefer to be allowed to run the Northern line as I may deem proper, so as to embrace the Big Swamp. I am informed, that, to run the line straight in a Northernly direction, would embrace a body of good land, owned by individuals, whose titles to the same has been confirmed by the Board of Commissioners. It would, therefore, be best to frame the order for including the Big Swamp, in such manner as will enable me to run the line so as not to include any other body of good land, (if your department should determine to give up the Big Swamp to the Indians.) They should have it, in my opinion, if humanity or justice is to govern. Permit me to advise, that the agent be furnished with so much of the funds to be applied to the buildings of the agency, as will enable him to purchase all the locks, hinges, nails, glass, screws, paints, &c. at the North. This would be a considerable saving, as they can be had at least 40 per cent. cheaper there than in Florida.

The Indians, since my talk on the 23d February last, have, within a few days past delivered up many runaway slaves. I think there is yet remaining about 20 slaves in the nation, which they have yesterday promised to find and deliver at the agency in eight days from this time. I believe that my presence has done much to effect this, and bring the nation into order; the circumstance of my viewing their lands, has had a happy influence on them, and my report, if sanctioned by the President, will give to myself and the agent great influence over these people. I beg that the chiefs who visit the city may be treated with much attention, and that their presents may be liberal; such a course will forever bind the chiefs to the Government. I wish you would converse at large with Colonel Humphreys as to the manner these people have been cheated and imposed upon by some of the inhabitants of Florida. The persons who have been most clamorous about their claims on the Indians for property, are those who have cheated them, under false reports of their slaves, who have since gone back to the Indians. I have been adjudicating on these claims for some time, almost daily, since my arrival here. The justice which the Indians are entitled to they cannot obtain, while they surrender to our citizens the slaves claimed by them, their own negroes, that have been taken from them, are held by white people who refuse to deliver them up. I have felt ashamed, while urging the Indians to surrender the property they hold, that I had not power to obtain for them their own rights, and property held by our citi-

zens. The Government should have their property restored to them, or pay to the Indians the value of it.

To tell one of these people that he must go to law for his property, in our courts, with a white man, is only adding insult to injury. I pray, Sir, you will hear the agent on this subject, who is possessed of many facts highly deserving the attention of your department.

I have taken the most unwearied pains to have justice done to all parties; but, I confess the Indians, under the laws of the United States, at present, have but little share in its advantages.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

No. 11.

TALLAHASSEE, 5th April, 1826.

Col. THOS. L. M'KENNEY,

General Superintendent of Indian Affairs:

SIR: Your letter of 4th January last, with a copy of the memorial of sundry citizens of Florida, was received by me lately at the Florida Agency, and the causes of complaint have been promptly inquired into. I gave notice to the citizens of Alachua, and had the same posted up in six places, the most public in the county; and, on the day appointed, a great number of the citizens, many of whom signed the memorial, attended. I read to them a copy of the memorial, and informed the citizens that I had been directed to inquire into the causes of complaint, and I was then ready to receive any testimony that would be offered in support of the charges contained in the memorial. I have now the honor to transmit to you a copy of the notice, with the several depositions taken in pursuance of the same; together with the depositions of John S. Warfield and James Hardage, which were previously taken at the Agency.

From all that I have been able to understand, it is clear to me, that the inhabitants of Alachua were strongly impressed with the belief that the Agent had the right to call out military force to execute his orders, at any time; and that it was owing entirely to his neglect that this was not done. I am convinced that the Agent exerted all his influence and power to control the Indians, and did perform as much as any other man, unbacked by a competent force, could have accomplished. I do not hesitate a moment in stating that the whole Indian nation is under more complete control and order, than any other nation of Indians that can be found in the limits of the United States, who have so recently come under our management.

The Mickkeesukee tribe I must except from this general remark. They are, and have ever been, the most violent and lawless Indians in all the South. They have set their own Chiefs at defiance, and have

abandoned their limits, roving among the white inhabitants, killing their hogs and cattle, and pillaging their plantations. There is about two hundred of these Indians that never can be managed but by force. Three times have they attempted to put to death their head Chief, because he has endeavored to restrain their excesses.

All the Chiefs, in open Council, have denounced them; and have assured me, that, if the Government will afford them assistance, they will punish these outlaws of their nation, and bring them into their boundary. I have seen many of them on the Suwannee and Ocella rivers; they are actually raising crops in the neighborhood of the whites, although I furnished them with provisions two months since, when they all promised immediately to go into the boundary. Not one has gone, nor will they move unless compelled. I have been upwards of two months in the woods, regulating and bringing the Indians to order; and have completely succeeded, except with the Mickkeesukee tribe. The inhabitants are greatly exasperated at the injuries they have sustained from this tribe, and the worst consequences may be expected. I acknowledge I can do nothing more without force. No confidence can be placed in this tribe, and the orderly Indians complain as much of them as the whites. They have most wantonly killed up the cattle and hogs of the nation, and will continue to do so. In fact, their own people has suffered as much from their depredations as our citizens. If the Department is satisfied that the Agent has discharged his duties faithfully, as I believe he has, it will be only rendering him justice to make his acquittal as public as the charges which have been preferred against him.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

Accompaniment, No. 1.

NOTICE,

To the citizens of Alachua county, who signed a memorial addressed to the President and Senate, in Congress assembled, complaining of the conduct of the Indian Agent, Col. Humphreys, in the management of the Florida Indians, &c.

A copy of this memorial has been transmitted to me from the Department of War; and I will attend at the house of Col. Samuel Piles, in Alachua, on the twenty-third of March, 1826, to investigate the charges preferred against the Agent in the aforesaid memorial; where all persons concerned are invited to attend and give testimony.

WM. P. DUVAL.

FLORIDA AGENCY, 13th March, 1826.

Accompaniment, No. 2.

ALACHUA COUNTY, 17th March, 1826.

I certify, that I was present at the Agency of the Florida Indians, some time in the Spring of the last year when the Agent, Col. Humphreys, was despatching a party of Indians, headed by their Chief, Tuskencha, and accompanied by a white man named Brouton, in pursuit of an Indian who lived on the Oklawaha river, and who, it was ascertained, had killed a Mr. Swarengen, in the neighborhood of Palatka.

The order given by the Agent to the Indians, was, that they should, if possible, take the murderer alive, that he might be given up, to be tried by the law of the whites. They were told, however, that if they found it impracticable to secure him in this way, that they must put him to death; and, in short, that he must be taken dead or alive.

I conversed with Mr. Brouton after the return of the party, and was told by him that he had no doubt the Indian they had been in pursuit of was killed, as he saw a considerable quantity of blood where he ran, after he was fired upon by the party. I heard him frequently talk upon the subject of the pursuit, but never heard him express any doubt of the death of the Indian in question.

JOHN T. WARFIELD.

TERRITORY OF FLORIDA, } ss.
Alachua County, }

Personally appeared before me, a Justice of the Peace for the county of Alachua, John T. Warfield, the subscribing witness, who, being of lawful age, and duly sworn, deposes, that the above statement subscribed to by him, is just and true, to the best of his knowledge.

Given under my hand, this twentieth day of March, 1826.

OWEN MARSH.

Justice of the Peace, Alachua county.

Accompaniment, No. 3.

The deposition of Mr. David Brouton taken at the house of Colonel Samuel Piles, in Alachua County, the 23d day of March, 1826.

The deponent, being of lawful age, and first duly sworn, deposeth and saith, that he was sent by the Agent with the party of Indians commanded by Tuskencha and Corharjo, to see the murderer of a Mr. Swarengen either taken or killed, if he would not surrender. The party with me travelled till near night, when we were near the Indian's house whom we were endeavoring to take, the Indians then halted, with a determination to go up in the night, and surround the house: about two or three hours after night the Indians moved on until they were within one or two hundred yards of the house; they then sent up one man, I believe unarmed, to see if the murderer was in his

house; he returned and stated he was not, and that he had inquired of the murderer's mother where he was; she said her son had gone to the Oklawaha river. The party all moved on passing the house, going in pursuit of the Indian to the river; that about one hour before day, we stopped two or three miles from the river; just after we had left our last stopping place, we saw the mother of the Indian we were seeking; she was trying to pass us, by turning out of the path, but a Chief called to her, and she came up; they had some talk together, and after going along for a while, she endeavored to get ahead of the party; the Chief ordered her to stop, but she did not, when the Chief ordered the Indians to take her; then she drew a hatchet and attempted to fight the Indians, but some of them stepped up behind her and took it from her. The Indians stopped, and prevented the woman from going on, and kept a watch on her, so that she did not go on; then we went off in search of the murderer, for by this time we were near the river; after the Indians had made some search on the side we were, the party divided, and one part passed over to the East side of the river; I did not go with that party, but remained; I laid down and was in a doze, when the Indians with me said that two guns had fired; I heard only the third shot, the two first I did not hear.

The Indians who had shot, raised the whoop, and those with me, said we must also cross the river, which we did. When we crossed, the Indians called at some Indian houses, where they were informed the murderer was down on the river fishing. They all went down to the edge of the Hammoc and sent in one Indian, while the others remained concealed, to get the murderer to come out of the Hammoc, as the object was to take him alive, if possible. The murderer, as stated to me by the Chief, did come out to the edge of the Hammoc, when the Indians who were concealed, rose to take him. The murderer turned, as the Chief stated, and attempted to run; that, fearful he would escape if he got back into the Hammoc, they fired on him, as they stated three guns, and shew me a sapling behind which he endeavored to shelter himself; the sapling was marked with a ball slightly on one side, and the Indians stated that the man must be shot through the body; that he dashed off, but fell as he entered the Hammoc; recovered his feet again, and they lost him in the Hammoc. The Chief shew me the tracks of a man that had run into the swamp, but I never saw the Indian; some who pursued him into the swamp brought to me a bush that was spattered with blood, which they said was the blood of the Indian who had killed Swearengen. The Indians stated that when they fired, the Indian staggered considerably.

Question by the Agent. Did you not tell me when the party returned, that it was your opinion the man you had been in pursuit of was shot?

Answer. I told him, from every circumstance, I believed the man was shot.

Question by the same. Did you ever express to me a different opinion upon this subject?

Answer. Not as I recollect.

DAVID BROUTON.

The foregoing deposition was sworn to and subscribed before me the day and date above written.

REUBEN CHARLES, J. P.

Alachua County.

Accompaniment, No. 4.

The deposition of James Hardage, of full age, and being sworn, taken at the Florida Agency, by direction of his Excellency Wm. P. Duval, Governor of Florida, and Superintendent of Indian Affairs, upon the 17th day of March, 1826.

The said James Hardage states that he is, and has been. Interpreter for this agency, and residing here constantly ever since sometime in July. 1825; and has had continual opportunity of knowing, and understanding, the intercourse between Colonel Gad Humphreys, the Agent, and the Indians belonging to said agency. That he has frequently known the Indians to apply to said Agent for permission to go without the boundary to hunt, but leave has been uniformly, and without exception, refused to every application of that nature; and he always told them their hunting ground was in the other direction, pointing within their own boundary. Deponent says that he has known the Agent to permit some of the Indians who had lost hogs or other stock, while removing from their former abode, within the present boundary, to go in search of such lost property back upon the way which such persons had travelled in removing hither, but has never known him to permit them to go out of their boundary for any other purpose; and thinks if the contrary had been the fact within the time aforesaid, he, deponent, would, and must have known it. He being the only Interpreter during the time aforesaid.

Question by G. Humphreys. Have you not heard me, repeatedly, urge and impress upon the Indians the necessity of staying within their own boundary, and keeping away from the white People, as necessary to the preservation of a good understanding between them?

Answer. Yes.

Question by the same. State what you have heard David Brouton say of the steps which I ordered to be taken against the murderer of Swearengen.

Answer. I heard him say, that Colonel Humphreys sent out a party of Indians, and also sent *him*, Brouton, with them to witness the execution of the murderer of Mr. Swearengen, with which execution that party of Indians was charged; that he, Brouton, did go with said party, for the purpose expressed, and heard the report of the guns which were fired at him; saw where he had run, and there was much blood on the palmetto bushes, and along the way he run, so that Brouton fainted at the sight, as he said, and was laughed at by the Indians for it; the murderer escaped into a big swamp, and it was believed he was dead, but Brouton did not see him. Brouton stated to me, he believed the murderer was killed; and since that

time deponent has not heard any thing said about it in the nation. These things deponent understood to have taken place sometime before he came to reside at the Agency, but does not know how long: and further this deponent saith not.

JAMES HARDAGE, his x mark.

TERRITORY OF FLORIDA, }
Florida Agency. } ss.

Personally appeared James Hardage, before me the subscriber, a Justice of the Peace, in and for the county of St. John's, in the afore-said Territory, and made oath that the above and foregoing deposition is just and true to the best of his knowledge.

Given under my hand, March 17, 1826.

JOS. B. LANCASTER, J. P.

Accompaniment, No. 5.

The deposition of Thomas Colding, taken at the house of Col. Samuel Piles, in the County of Alachua, on the 23d day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposeth and saith, I have seen the Indians with permits, purporting to be signed by the Indian Agent, allowing them to go out of their boundary. I have not seen Indians committing any depredations, but I have missed corn out of my field, and seen their tracks.

Question by the Agent.—Did you judge they were Indian tracks, from their being moccasin tracks?

Answer.—Yes, Sir, and from their breaking water melons about in the field, I saw a good deal of sign of them.

Question by the Agent.—Is it not a frequent thing for the white inhabitants of this country to wear moccasins?

Answer.—I have seen some few of them, at times, wear moccasins.

Question by the Agent.—Can you distinguish between the moccasin tracks made by a White man and an Indian?

Answer.—I do not think I could

Question by the Agent.—Did the written permissions you saw with the Indians, purporting to be signed by me, express the object for which they were given?

Answer.—Those I saw were for hunting hogs, principally, or stock.

Question by same.—Do you know of my giving permission to Indians, to hunt through the white settlements, for any thing else but their stock?

Answer.—I do not know that I did.

Question by same.—Do you not know, or believe, that some of the white inhabitants of the settlements in this county, have been in the habit of trading with Indians, and thus encouraging them to come into the settlements?

Answer.—I have known of their purchasing a little venison, or a turkey, but no other trading, to my knowledge.

Question by the Agent.—Did you see any names signed to the memorial of which this, (offering a copy,) is a counter part?

Answer.—I signed the memorial, but I have no recollection of others who signed it.

Question by the Governor, Wm. P. Duval.—From what you have seen and known of the Indians, do you believe they can be kept within their boundary without a military force?

Answer.—I do not feel prepared to answer the question : and further this deponent saith not.

THOS. COLDING.

This foregoing deposition was this day sworn to and subscribed, by the witness, Thomas Colding, before me, the day and year aforesaid.

REUBEN CHARLES,
J. P. of Alachua County.

Accompaniment, No. 6.

The deposition of Colton Rawls, taken at the house of Col. Samuel Pile, in the County of Alachua, the 23d day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposes and saith, that witness has seen, in the hands of the Indians, permits purporting to be signed by the Indian Agent, allowing the Indians to hunt for their hogs. I never saw any to hunt cattle, or to hunt in the white settlements for game. I was last Summer riding round Mr. Colden's corn field; I saw something break and run; I put off, in a gallop, to the edge of a hammoc, and saw an Indian jump out of the field. I had a gun and dogs with me, and I told him if he did not stop, I would set the dogs on him—he did stop, and I found he had a water melon. And further, this deponent saith not.

COLTON RAWLS.

The foregoing deposition was sworn to and subscribed, by the witness, in my presence, the day and year before written.

REUBEN CHARLES,
J. P. of Alachua County.

Accompaniment, No. 7.

The deposition of Jonas Ellis, taken at the house of Mr. Samuel Pile, in the County of Alachua, the 23d day of March, 1826.

The deponent, being of lawful age, and first duly sworn, deposes and saith : I have seen Indians hunting and strolling over the set-

tlements. I have seen some of them with permissions; but whether to look for hogs, or cattle, or to hunt for game, I cannot now recollect.

Question by the Governor.—Did you, in hunting, fall in at an Indian camp and discover the ears of a cow, or an ox, at the camp; and, if you did, in whose mark was the ears in?

Answer.—I did, it was in my mark; the Indians had just left the camp; their fire was yet burning, and I followed their trail a piece, but returned, as I was alone.

Question by same.—Have you reason to believe you have ever seen signs where other stock had been killed, by the Indians?

Answer.—Yes, I was at an Indian camp last Summer, and saw a hog they had killed; the Indians said they had bought it of a white man, named Jesse Long, who denied having seen the Indians. I suspected an Indian for shooting of another hog, that belonged to me. I charged him with it, and he promised to pay for it; but I have never seen him since: And further, this deponent saith not.

Question by the Agent.—Do you know of any body in Alachua, trading with the Indians?

Answer.—Yes, for venison, or turkeys. I know of no other trading.
JONAS ELLIS.

The foregoing deposition was sworn to, and subscribed, by the witness, in my presence, the day and year before written.

REUBEN CHARLES,
J. P. of Alachua County.

Accompaniment., No. 8.

The deposition of Wiley Brooks, Esq. taken at the house of Colonel Samuel Pile, in the county of Alachua, the 23d March, 1826.

The deponent, being of lawful age, and first duly sworn, deposeth and saith: I have frequently seen Indians going through the settlements, but, to my knowledge, I never saw any with a permission from the Agent.

Question by the Agent.—Who presented the memorial that was to be sent to the President and the Senate, for you to sign?

Answer.—I do not know.

Question by the same.—Were you not told by the person who urged you to sign the memorial, that the object was, and the effects would be, to bring into the neighbourhood a body of troops, and thereby afford to the inhabitants who had cattle to sell, a ready market and good price for the beef?

Answer.—I heard no person speak of such an object; and further this deponent saith not.

Question by the Agent.—Do you know of the Indians having destroyed any property belonging to the white inhabitants?

Answer.—I do not.

WILEY BROOKS.

The foregoing deposition was sworn to and subscribed by the witness in my presence, the day and year before written.

REUBEN CHARLES, J. P.

Alachua County.

No. 12.

Copy of a letter from Governor William P. Duval, to Colonel Thomas L. McKenny.

TALLAHASSE, April 7th, 1826.

Col. THOMAS L. MCKENNY,

Gen. Sup. of Indian Affairs.

SIR: I found it would be unavailing to urge the Seminole Indians to emigrate West of the Mississippi, and, unless the Creek Indians are removed, they will not consent to go West.

The deputation of Chiefs who will accompany Colonel Humphreys, the Agent, to Washington, will, no doubt, be more inclined to listen to the Secretary of War, than to any other person. I would consider it an important point gained, could the Chiefs be induced to send out a party to explore the country, under some proper person. The great number of deer, elk, and buffalo, would be a strong temptation to them to settle West of the Mississippi. These people are in dread of the Western Indians, and the Secretary, to succeed, must satisfy the Chiefs that the United States can, and will, protect them from the Western Indians.

I do most sincerely hope that Mr. Barbour may be able to carry into effect his plan for colonizing the Indians, and every good and humane man, must ardently desire to see the experiment fairly tested.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

No. 13.

DEPARTMENT OF WAR,

Office Indian Affairs, 8th May, 1826.

To His Excellency WILLIAM P. DUVAL,
Governor of Florida :

SIR: I have received your several letters by Colonel Humphreys, as has the Secretary of War that addressed to him. I am directed by the Secretary to state, that no deputation of Indians can be allowed to visit Washington, except on the express permission of the

Department. The expense is too great, unless a corresponding object existed to justify it: but no such object is perceived to authorize the present visit. When the authority to which you refer was extended, there was an object; but that passed away with the occasion with which it was connected. Nor could it be revived, short of an occasion, equal at least in importance to that. A reference to the letter of permission, will show you, that it was even then reluctantly given. The Secretary hopes, nevertheless, that the visit may prove favorable, by impressing upon these people some proper idea of both our strength and kindness. They will be treated well. The title of Governor is unusual, and the Secretary declines conferring it on Hicks. He will be distinguished by a great medal, and acknowledged the Chief of his people. It is well not to multiply titles. There is safety in observing old and tried precedents. The headmen among Indians, are called Chiefs.

The Indians must be protected, on the one hand, from the press of white people, of which you speak, and the white people from the depredation of Indians, on the other. The provisions of the intercourse law must form the basis of this mutual protection, and its enforcement is with you, subject to the approval of the Department. This must be taken as the answer to some other parts of your correspondence in regard to spoliations, and indeed to all, except that which relates to *old* claims both ways, the whites against the Indians, and the Indians against the whites, whether it regards negroes or any other kind of property. Upon the subject of those more ancient wrongs, it would be just, and may be considered your duty, especially if the parties request it, for you to collect all the information, in regard to the subjects presented by you, within your reach, and report it to the Department for its information and government. I would respectfully suggest, should you engage in collecting and arranging those cases, that you *class* them, and be as concise as possible, not only in this business of classification of complaints and claims, but in your general correspondence. This suggestion is made necessary by the very hard press of duties which require that all details of agencies be settled on the responsibility of the agents, I mean, of course, within their legitimate sphere of operations, and that reports and references be studiously brief.

The Secretary approves of your talk to the Indians, in the main, but thinks it proper to guard you, as the official organ of the general Government, against committing yourself in matters pertaining to the internal affairs of the Indians. You pledge yourself, for example, to see to the security of their Chief. The making and unmaking of Chiefs, must be left to the Indians themselves; as, also, all that relates to their own regulations for their own government. You can, and ought, to counsel and advise them for their good, in these matters; but no more.

In your letter of the 2d March, you speak of the smithshop, and of a list of tools, which you say the agent will show me. These are details that cannot be looked into here, they must be left with the

agent to settle. The provision for the shop is made, and you have been directed to apply it. You know the amount, (\$1,000,) and will keep the expenses within it. The appropriation for this object, provides not only for the support of a gunsmith, but the "expenses incident to the shop," according to the terms of the treaty. No addition can be allowed to the \$2,000 authorized to be expended in building an agency house. Nor can any diversion be made of the money appropriated for schools; and as no school has gone into operation, and none in prospect, you will refund what has been remitted on that account. Whatever the feelings of the Indians may be, in regard to the schools for the present, these will change with time and proper instruction, and explanation, and the fund will be meanwhile accumulating. The appropriation cannot be directed to other objects. The arts, which you esteem, and justly, to be so important, are taught in the schools, under the Government system; it is part of this system. There is no mistake in the plan of civilizing the red men. Proofs are numerous in the flourishing condition of many of the tribes.

No buying or selling of slaves will be permitted by the agent, or for the agency. If the Indians own slaves, they are their property; if they secrete runaway slaves, they must give them up to their rightful owners. If the whites take their's, the law of intercourse must be resorted to. You will explain to the Department the necessity for the use of six horses and a wagon, and by what authority they have been purchased.

I am directed by the Secretary of War explicitly to require prompt quarterly returns. The regulations demand it, and unless these are received, the remittances for the agency cannot be made in future.

I find you are altogether deficient in forms for your returns. These I will supply.

It is absolutely indispensable that you keep your contingent apportionment, which is now fixed at \$3,000 per annum, and \$500 for presents, within these sums. You will not, of course, exceed the specific appropriations,

I have the honor to be,

Very respectfully,

Your obedient servant.

THO. L. M'KENNEY.

No. 14.

DEPARTMENT OF WAR,

10th May, 1826.

To the Delegation of Florida Indians:

FRIENDS AND BROTHERS:

I have considered your request to have your boundary line extended, and made it known to your great father, the President. I am

directed to answer, that he gives his consent for you to occupy the Big Swamp, until he may have a call for it, when he will expect you to move within the limits of the survey. He sent you this message by Governor Duval.

Your great father does not wish to oppress his red children. He has heard of your sufferings, and sent you some help. But he wishes me to inform you, that you have had time to plant and gather your crops, that you must rely for the future on yourselves, and by your industry provide for your own support.

Brothers : Your great father has heard that you have runaway slaves in your country, and that many of your people hide them from their owners. The treaty provides that you should give them up. It is expected that you will do this, and that you will hereafter, so soon as a slave runs into your country, take him up and deliver him to the agent for his rightful owner. It is said that the whites have some of your slaves. The agent is directed to see justice done you, and whenever he finds your slaves in possession of the whites, to demand their surrender.

Brothers : Now that you are settled in your new homes, I have to call your attention to a few things. Your young men are not always good. They go into the settlements and steal, and kill stock, and alarm the whites, and the women and children. This must not be. You will therefore give orders to your young men to keep within your limits, and if they will not obey you, you must punish them.

If you do not, your great father will order his agent to let a heavy hand fall upon you. If the whites trespass upon you, do not strike, but go to the agent ; he is directed to protect you. You must listen to these directions. Your great father will be kind to you, if you obey his counsel ; but if you do not you will be punished.

Brothers : Your great father expects you to live in peace with one another, to be industrious and sober. Drunkenness is a curse, and no Indian ought ever to get drunk. It makes him a beast, and brings him into trouble. Let alone the mad water, and be sober.

Brothers : The treaty provides a thousand dollars for the support of a school at the agency. This is intended to benefit your children. It is time it was in operation. It is there your children will learn to read, and write, and keep accounts ; and how to make ploughs, and wheels, and looms, and how to use them ; and all other things useful to you. Your great father expects you to encourage these improvements in your children. The agent is directed to seek for a teacher, and when one goes out, he will go under the protection of your great father.

Brothers : I explained to you that I did not expect you could live so well where you are, as on lands where the game is plenty, and water good and abundant. Your great father owns a great country over the Mississippi, and is willing to give you a large portion of it, whenever you may incline to go. And, if a few of your chiefs think proper to visit it, and bring you back word what sort of country it is, they can go, and the agent will be directed to send them, and

pay their expenses. It is expected that some of your friends of the Muskhogues tribe, will go and look at that country. Your chiefs might go at the same time.

This advice is for your good, and is given to you in friendship. I hope you will follow it.

Brothers : I once more tell you, your great father will protect you, through the agent, from the bad conduct of the whites, and he will severely punish you if you do not prevent your bad men from going into the settlements and doing harm to the whites. This you must not forget. If you will take the property of the whites, the value of it will be taken from your annuity. The agent is ordered to do so.

Brothers : I shake hands with you, and wish you prosperity and happiness.

JAMES BARBOUR.

